

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHERRY INDUSTRIES LLC, a
Michigan limited liability company,

Civil Action No. 24-cv-12060

Plaintiff,

v.

Honorable Judith E. Levy
Mag. Judge Curtis Ivy, Jr.

BRIAN JOHN PANGRLE,
SILVIA MARIE LAZO,

Defendants.

RESPONSE TO ORDER TO SHOW CAUSE [ECF No. 4]

Plaintiff, Cherry Industries LLC (“Plaintiff”), by and through its undersigned counsel, hereby files this Response to the Court’s Order to Show Cause why this action should not be dismissed for lack of subject matter jurisdiction [ECF No. 4].

In its Complaint, Plaintiff alleges that “the parties are citizens of different States” (ECF No. 1 at Para. 8), that the amount in controversy is over \$75,000, and therefore that the Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332. As the Court points out, Plaintiff did not allege the citizenship of each of Plaintiff’s members—Plaintiff’s sole member, Clint Cerny, is a citizen of Michigan. The Court also noted that Plaintiff did not expressly identify the citizenship of each Defendant, including only their resident addresses—to clarify, upon information and belief, both Defendants are citizens of Montana, and thus complete diversity of citizenship

exists. There is no evidence or indication that either Defendant is a citizen of Michigan.

If the averments contained herein are insufficient to satisfy the Court's inquiry regarding subject matter jurisdiction, Plaintiff is prepared to amend its complaint to cure any defect and allege the citizenship of each member of Plaintiff and the citizenship of each individual Defendant.

Respectfully submitted,

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Attorneys for Plaintiff

Dated: August 26, 2024

CERTIFICATE OF SERVICE

The undersigned certifies that on August 26, 2024, a copy of the foregoing was filed via the Court's CM/ECF system, which will cause an electronic copy to be served on all counsel of record.

Respectfully submitted,

DOERR MACWILLIAMS HOWARD PLLC

By: /s/ Samuel Estenson
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